

FILED
U.S. DISTRICT COURT

2000 SEP -9 A 9: 21

DISTRICT OF UTAH

Civil No. 2:07-CV-0939LY:

DEPUTY CLERK

VS.

ORDER

* * * * *

SO ORDERED.

BY THE COURT:

Bruce S. Jenkins
United States Senior District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JENNY THACKER,	:	Court No. 2:07cv 00944 BCW
Plaintiff,	:	
vs.	:	ORDER AFFIRMING THE
		COMMISSIONER’S DECISION
MICHAEL J. ASTRUE,	:	
Commissioner of Social Security,	:	
Defendant.	:	

On October 12, 2008, the Court held a hearing on Plaintiff Jenny Thacker’s appeal from the Commissioner’s denial of her applications for disability insurance benefits and supplemental security income.¹ After considering the evidence of record, the briefs of the parties and oral argument, the Court finds as follows:

As noted during the hearing, the Court “may neither reweigh the evidence nor substitute [its] discretion for that of the [ALJ].”² Moreover, where the evidence as a whole can support either the Agency’s decision or an award of benefits, the Agency’s decision must be affirmed.³

¹Docket no. 16.

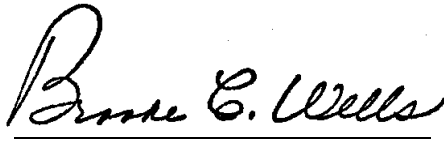
²[*White v. Barnhart*, 287 F.3d 903, 905 \(10th Cir. 2002\).](#)

³See [*Ellison v. Sullivan*, 929 F.2d 534, 536 \(10th Cir. 1990\).](#)

With these principles in mind, the Court finds that the record contains substantial evidence to support the ALJ's conclusions and the correct legal standards were applied. For example, there are numerous instances where diagnostic studies resulted in benign results that support the ALJ's decision.⁴ Although arguably there may be some contradictory evidence found within the voluminous medical record the Court lacks the discretion to reweigh the evidence.⁵ Plaintiff's request for reversal or remand therefore is DENIED and the Commissioner's decision is AFFIRMED.

IT IS SO ORDERED.

DATED this 8th day of September, 2008.


BROOKE C. WELLS
United States Magistrate Judge

⁴For e.g., see, Tr. 159, 170, 203, 225-263, 284-285, 286-287, 316, 336-337, 410-411, 455 and 519.

⁵See [*Casias v. Sec'y of Health & Human Servs.*, 933 F.2d 799, 800 \(10th Cir. 1991\)](#).

FILED
U.S. DISTRICT COURT

2008 SEP -9 A 9:20

DISTRICT OF UTAH

BY:
DEPUTY CLERK

Lester A. Perry (2571)
Hoole & King
Attorney for Plaintiff
4276 South Highland Drive
Salt Lake City, Utah 84124
Telephone: (801) 272-7556

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

DAVID PAREDES

Plaintiff,

v.

ASSET ACCEPTANCE, L.L.C.

Defendant.

Order of Dismissal with Prejudice

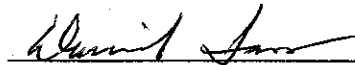
Civil No. 2:07-CV-951

Judge David Sam

Based upon the joint motion of the parties to dismiss the complaint with prejudice, the Court hereby dismisses the complaint with prejudice. Each party is to bear their own costs and attorney's fees.

Dated this 9th day of September, 2008.

By the Court:



David Sam

United States District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

IHC HEALTH SERVICES INC.,

Plaintiff,

vs.

BC LIFE & HEALTH INS.,

Defendant.

ORDER OF REFERENCE

Civil No. 2:07-CV-981

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(A) and the rules of this Court, the above entitled case is referred to Magistrate Judge Paul M. Warner. The magistrate judge is directed to hear and determine any nondispositive pretrial matters pending before the Court.

DATED this 9th day of September, 2008.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive, flowing style.

DEE BENSON
United States District Judge

Aric Cramer (#5460)
CRAMER LATHAM, LLC
90 East 100 South, Suite 201
St. George, Utah 84770
Telephone (435) 627-1565
Facsimile (435) 628-9876

Attorney for Defendant

FILED
U.S. DISTRICT COURT

2008 SEP -8 A 11: 25

DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs

DONALD GREGORY EDWARDS,

Defendant.

ORDER EXTENDING DEADLINES
AND CONTINUING JURY TRIAL

CASE NUMBER 2:08-cr-00026

Judge Dee Benson

THIS COURT having reviewed the Stipulated Motion to Extend Deadlines on file and good cause appearing, hereby ORDERS that the deadlines in this matter be extended as follows:

The deadline for pretrial motions is extended until November 7, 2008. The plea bargain deadline is extended until November 14, 2008. The trial scheduled in this matter for September 29, 2008 through October 1, 2008 is hereby vacated to be reset by the Clerk of Court.

DATED this 8 day of September, 2008.

New trial date 11/17/08 @ 8:30 A.M

BY THE COURT:

Dee Benson
The Honorable Dee Benson
U.S. District Court Judge

ROBIN KENT LJUNGBERG (6056)
ATTORNEY FOR DEFENDANT
39 Exchange Place, Suite 200
Salt Lake City, Utah 84111
Telephone: (801) 532-5835
Facsimile: (801) 532-5041

FILED
U.S. DISTRICT COURT

2008 SEP -8 A 11:25

DISTRICT OF UTAH

BY: DEE BENSON

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES of AMERICA,

DATES

Plaintiff,

v.

JERRY C. HUFF,

Defendant.

:
:
: **ORDER TO CONTINUE TRIAL**
: **AND EXTEND MOTION AND PLEA**
:
:
:
:
:
:
:
:
:
:
:

Case No. 2:08CR00371 DB

Honorable Dee Benson

Based on the defendant's motion and good cause appearing, it is hereby ordered that the trial, currently scheduled for September 22, 2008 be stricken. It is further ordered that the deadlines for negotiated plea and motions are extended for 60 days from the date of this order. The case will be set for further proceedings upon expiration of this deadline. Any delay arising from defendant's request is excluded under the Speedy Trial Act.

DATED this 8 day of ~~August~~ September, 2008.

Dee Benson
DEE BENSON

U.S. District Court Judge

New trial date 11/17/08
@ 8:30 A.M.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES RILEY TURNER,

Defendant.

**ORDER TO CONTINUE
JURY TRIAL**

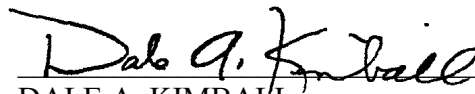
Case No. 2:08-CR-379 DAK

Based on the motion to continue trial filed by Defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the two-day trial previously scheduled to begin September 23, 2008, is hereby continued to this 5th day of November, 2008, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth in paragraph one above is excluded from speedy trial computation.

Dated this 9th day of September, 2008.

BY THE COURT:



DALE A. KIMBALL

United States District Court Judge

UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
UTAH

CENTRAL DIVISION

District of

UNITED STATES OF AMERICA
V.
JORGE HERNANDEZ-AVILES

JUDGMENT IN A CRIMINAL CASE

2008 SEP -9 A 8:53

DISTRICT OF UTAH

Case Number: DUTX208CR000426-001

USM Number: None

Brenda Whiteley

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/8/2008

Date of Imposition of Judgment

Signature of Judge

The Honorable Ted Stewart

U. S. District Court

Name of Judge

Title of Judge

9/9/2008

Date

DEFENDANT: JORGE HERNANDEZ-AVILES
CASE NUMBER: DUTX208CR000426-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

14 months

☒ The court makes the following recommendations to the Bureau of Prisons:

Incarceration in Talledega, AL to facilitate family visitation

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JORGE HERNANDEZ-AVILES
CASE NUMBER: DUTX208CR000426-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JORGE HERNANDEZ-AVILES
CASE NUMBER: DUTX208CR000426-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not re-enter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: JORGE HERNANDEZ-AVILES
CASE NUMBER: DUTX208CR000426-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
---------------	----------------	----------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JORGE HERNANDEZ-AVILES
CASE NUMBER: DUTX208CR000426-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
UTAH

CENTRAL DIVISION

District of

UNITED STATES OF AMERICA

V.

SANTOS JACINTO-LLANES

JUDGMENT IN A CRIMINAL CASE

2008 SEP -8 A 8:53

DISTRICT OF UTAH

Case Number: DUTX208CR000443-001

USM Number: 15540-081

DEPUTY CLERK

Kris Angelos

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/8/2008

Date of Imposition of Judgment

Signature of Judge

The Honorable Ted Stewart

U. S. District Judge

Name of Judge

Title of Judge

9/9/2008

Date

DEFENDANT: SANTOS JACINTO-LLANES
CASE NUMBER: DUTX208CR000443-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Time-served

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: SANTOS JACINTO-LLANES
CASE NUMBER: DUTX208CR000443-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

12 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: SANTOS JACINTO-LLANES
CASE NUMBER: DUTX208CR000443-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not re-enter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

Pages 5 - 8

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

SEP - 9 2008

CENTRAL DISTRICT OF UTAH

D. MARK JONES, CLERK
BY _____
DEPUTY CLERKUNITED STATES OF AMERICA
V.ORDER SETTING
CONDITIONS OF RELEASE

BRETT ALAN DIETZEL

Case Number: 2:08-CR-586 TS

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

PLACE

on

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

☒ (7) The defendant shall:

- ☒ (a) maintain or actively seek employment.
- ☐ (b) maintain or commence an educational program.
- ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel:
maintain residence at the address reported to PTS. No change without prior permission of the Court.
- ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- ☒ (e) report on a regular basis to the supervising officer as directed.
- ☐ (f) comply with the following curfew:
- ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☐ (h) refrain from excessive use of alcohol.
- ☒ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
- ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
- ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
- ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- ☐ (m) execute a bail bond with solvent sureties in the amount of \$
- ☐ (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
- ☐ (o) surrender any passport to
- ☐ (p) obtain no passport
- ☒ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office (at a minimum of 3 times per week). If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
- ☒ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
- ☐ (s) submit to an electronic monitoring program as directed by the supervising officer.
- ☒ (t) no travel outside the State of Utah without prior permission of PTS.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

Address

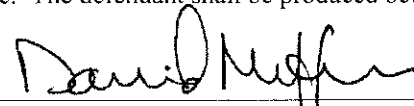
City and State

Telephone

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: September 8, 2008


Signature of Judicial Officer

Magistrate Judge David Nuffer

Name and Title of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>1-800 CONTACTS, INC., a Delaware corporation</p> <p style="text-align:right">Plaintiff,</p> <p style="text-align:center">v.</p> <p>LENSWORLD.COM, INC., a New Jersey corporation,</p> <p style="text-align:right">Defendant.</p>	<p style="text-align:center">ORDER OF DEFAULT JUDGMENT</p> <p style="text-align:center">Civil No. 2:08-cv-015-SA</p> <p style="text-align:center">Judge Dale A. Kimball</p>
---	--

ORDER

WHEREAS this Court has jurisdiction of the parties hereto and of the subject matter hereof, and venue is proper in this Court; and

WHEREAS Defendants have failed to plead or otherwise defend as provided by these rules; and

WHEREAS Defendants are neither an infant nor an incompetent person;

The Court, having considered the Motion for Default Judgment of Plaintiff 1-800 Contacts, Inc., along with the memoranda, exhibits, and arguments presented by the parties, hereby Orders as follows:

1. An Entry of Default is granted to Plaintiff.
2. Defendant shall not purchase Plaintiff's federally registered trademarks, or confusingly similar variations of Plaintiff's federally registered trademarks, as keywords for any search engine advertising program.

3. Defendant shall incorporate terms and conditions that prevent their affiliates from purchasing Plaintiff's federally registered trademarks, or confusingly similar variations of Plaintiff's federally registered trademarks, as keywords for any search engine advertising program.
4. Defendant shall implement the negative keywords attached hereto as Exhibit A in any search engine advertising program campaign, where possible, for so long as any one of Plaintiff's federally registered trademarks remain active.
5. Defendant shall incorporate terms and conditions requiring their affiliates to implement the negative keywords attached hereto as Exhibit A in any search engine advertising program campaign performed for the benefit of Defendant, where possible, for so long as any one of Plaintiff's federally registered trademarks remain active.
6. Defendant shall expire any affiliate that does not comply with implementing the negative keywords attached hereto as Exhibit A.
7. Defendant shall provide a signed declaration to the court 30 days after the signing of this Order, declaring that this Order has been fully complied with.
8. Defendant shall pay Plaintiff's reasonable expenses incurred in filing this suit, including attorney's fees, as approved by this Court.

BY THE COURT:

Dated: September 9, 2008



Honorable Dale A. Kimball
U.S. District Judge

Exhibit A

Negative Key Word List of 1-800 Contacts, Inc.:

1 800 contact
1 800 contacts
1800 contacts
1-800 contacts
1800.contacts
1800contact
1800contacts
1-800-contacts
1800contacts.com
800 contacts
800.contacts
800contacts
lens express
Lensexpress
Aquasoft
Aquasoft Complete Vision System
Evision
The World's Largest Contact Lens Store
Exact Same Contact Lenses, Delivered to Your
Door, for Less Than You're Paying Now
We Make it Simple
We Deliver You Save
www.1800contacts.com
www.1800contacts.net
www.1800contacts.org
www.1800contacs.com
www.1800contacs.net
www.1-800contacts.com
www.1-800contacts.net
www.800contacts.com
www.800contacts.net
www.contacts.com
www.lens1st.com
www.lensfirst.com
www.lensexpress.com
www.lensexpress.net

FILED
U.S. DISTRICT COURT

2008 SEP -9 A 8:52

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

SO ORDERED


TED STEWART
United States District Judge

Date 9/9/2008

Michael W. Homer (1535)
Jesse C. Trentadue (4961)
Brian D. Bolinder (11032)
SUITTER AXLAND
8 East Broadway, Suite 200
P.O. Box 510506
Salt Lake City, Utah 84151-0506
Telephone: (801)532-7300
Facsimile: (801)532-7355

Attorneys for Plaintiff Wolf Mountain Resorts, L.C.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

WOLF MOUNTAIN RESORTS, L.C., a
Utah limited liability company,

Plaintiff;

vs.

ASC UTAH, INC., a Maine corporation;
and **AMERICAN SKIING COMPANY**,
a Delaware corporation,

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT**

Case No: 2:08cv191

Judge Ted Stewart

Plaintiff Wolf Mountain Resorts, L.C., ("Wolf Mountain") respectfully moves this Court for an Order granting it leave to file an Amended Complaint in the above-captioned matter. The grounds for this motion are that developing facts and circumstances have given rise to an additional claim for relief related to Wolf Mountain's original Complaint. The grounds for this motion are more fully set forth in an

accompanying memorandum of points and authorities filed herewith. A copy of the
Amended Complaint is attached hereto as Exhibit A.

DATED this 20th day of August, 2008.

SUITTER AXLAND, PLLC

By: /s/ Jesse C. Trentadue

Michael W. Homer

Jesse C. Trentadue

Brian J. Bolinder

*Attorneys for Wolf Mountain
Resorts, L.C.*

Douglas J. Parry (#2531)
Jennie B. Garner (#5486)
Craig Kleinman (#8451)
Patricia C. Staible (#10849)
DORSEY & WHITNEY LLP
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Telephone: (801) 933-7360
Facsimile: (801) 933-7373
E-mail: parry.douglas@dorsey.com
garner.jennie@dorsey.com
kleinman.craig@dorsey.com
staible.tricia@dorsey.com
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THINK PARTNERSHIP, INC., a Nevada corporation; and iLEAD MEDIA, LLC, f/k/a THK LLC, a Delaware limited liability company;

Plaintiffs,

vs.

DAVID H. NELSON, an individual; BRADY WHITTINGHAM, an individual; MICHAEL BALL, an individual; JAY McDONALD, an individual; ADAM COREY, an individual; ANDREW S. COLLINS, an individual; TYLER BROADBENT, an individual; and JOHN DOES 1-50;

Defendants.

ORDER GRANTING STIPULATED
MOTION TO STAY ALL PROCEEDINGS
FOR TWO WEEKS PENDING
SETTLEMENT DISCUSSIONS AND
CONTINUING WITHOUT DATE MOTION
HEARING SET FOR SEPTEMBER 10, 2008

Civil No. 2:08-CV-217 DB-BCW

Judge Dee Benson

Magistrate Judge Brooke C. Wells

Based on the Stipulation by and between Plaintiffs, Think Partnership, Inc. and iLead Media, LLC (“Plaintiffs”) on the one hand, and Defendants David H. Nelson, Michael Ball, Jay McDonald, Adam Corey, Andy Collins, and Tyler Broadbent (“Defendants”), on the other hand, and good cause appearing, it is hereby

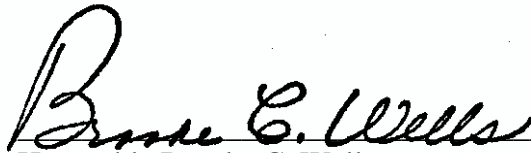
ORDERED as follows:

All proceedings and discovery in this matter, including but not limited to motion practice, responses to pleadings and discovery responses shall be stayed, pending settlement discussions, for two (2) weeks beginning from the entry of the order on this Stipulation: (1) the parties may stipulate and agree to lift the stay, or (2) a party may, with 48 hours’ notice to the other parties, move to lift the stay.

The hearing currently scheduled for September 10, 2008, before Magistrate Judge Wells shall be continued without date. The parties shall advise the Court upon expiration of the stay period whether Defendant David Nelson’s Motion to Disqualify Dorsey & Whitney LLP as Counsel for Plaintiffs Think Partnership, Inc. and iLead Media, LLC, and Plaintiffs’ Motion to Quash Subpoena should be reset for hearing.

DATED this 9th day of September, 2008.

BY THE COURT


Honorable Brooke C. Wells
U.S. District Magistrate Judge

Approved as to form:

DORSEY & WHITNEY LLP

QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

/s/ Jennie B. Garner
Jennie B. Garner
Attorneys for Plaintiff

/s/ Jon Corey
Jon Corey
(Signed by Filing Attorney with permission
of Defendants' Attorneys)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ROBERT ROMERO,)	
)	
Plaintiff,	)	Case No. 2:08-CV-267 TC
)	
v.	)	District Judge Tena Campbell
)	
PAUL MCGERRY et al.,	)	ORDER TO SHOW CAUSE
)	
Defendants.	)	Magistrate Judge Brooke Wells

Plaintiff, Robert Romero, filed a civil rights complaint and was granted leave to proceed *in forma pauperis*.¹ On July 7, 2008, the Court ordered Plaintiff to within thirty days submit to the Court an initial partial filing fee (IPFF) of \$0.02 and sign and file with the Court a form consenting to collection from his inmate account of the filing fee in increments. To date, Plaintiff has complied with neither requirement.

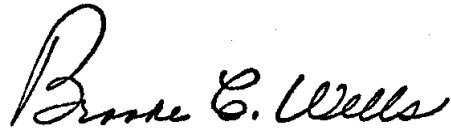
IT IS HEREBY ORDERED that Plaintiff must within thirty days show cause why his case should not be dismissed for failure to comply with the Court's earlier order. A new consent-to-collection form is attached if Plaintiff wishes to use it.

¹See 42 U.S.C.S. § 1983 (2008); 28 *id.* § 1915(b).

Along with remitting his \$0.02 IPFF, Plaintiff should sign the consent form, copy it, give the original to the inmate account office, then send the copy to the Court.

DATED this 8th day of September, 2008.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large, looped initial "B".

BROOKE C. WELLS
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Robert Romero (Case No. 2:08-CV-267-TC), understand that when the Court grants my application to proceed in forma pauperis and files my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is dismissed.

I, Robert Romero, hereby consent for the appropriate institutional officials to withhold from my inmate account and pay to the court an initial payment of \$0.02, which is 20% of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint or petition; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint or petition.

I further consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Robert Romero

FILED
U.S. DISTRICT COURT

2008 SEP -9 A 8:52

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

KATHERINE VENTI (9318)
ERIK A. CHRISTIANSEN (7372)
Parsons Behle & Latimer
One Utah Center
201 South Main Street, Suite 1800
Salt Lake City, UT 84111
Telephone: (801) 532-1234
Facsimile: (801) 536-6111
*Attorneys for Priority Outsource, Inc. d/b/a GCR
Capital, John B. Grant, Carver & Associates, and Larry
E. Carver*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

TFG - NEW JERSEY, L.P., a Utah limited
partnership,

Plaintiff,

vs.

MANTIFF JACKSON NATIONAL
HOSPITALITY LLC, a New Jersey limited
liability company, FALGUN R. DHARIA,
an individual, PARU F. DHARIA, an
individual, MANTIFF MANAGEMENT,
INC., a New Jersey corporation, PRIORITY
OUTSOURCE, INC. dba GCR CAPITAL, a
Florida corporation, JOHN B. GRANT, an
individual, LARRY CARVER, an
individual, CARVER & ASSOCIATES,
INC., a Georgia corporation, and DOES 1
through 10,

Defendants.

**ORDER GRANTING STIPULATION FOR
EXTENSION OF DEADLINE FOR
REPLIES IN SUPPORT OF MOTIONS TO
DISMISS**

Case No. 2:08-CV-00361-TS

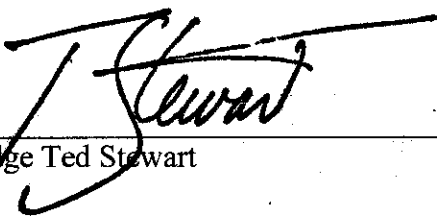
Judge Ted Stewart

Pursuant to a stipulation for extension of time and for good cause shown:

IT IS HEREBY ORDERED that Defendants Priority Outsource, Inc. d/b/a/ GCR Capital, John B. Grant, Carver & Associates, Inc., and Larry E. Carver and Plaintiffs TFG-New Jersey, L.P., shall have to and including September 19, 2008 to file their replies in support of their respective Motions to Dismiss for Lack of Personal Jurisdiction and Improper Venue.

DATED THIS 9th day of September, 2008.

BY THE COURT:



Judge Ted Stewart

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

EDSON G. GARDNER,)	
)	
Petitioner,	)	Case No. 2:08-CV-373 DAK
)	
v.	)	District Judge Dale A. Kimball
)	
UNITED STATES OF AMERICA,	)	O R D E R
)	
Respondent.	)	Magistrate Judge Paul Warner

Petitioner, Edson G. Gardner, has filed a self-styled "Petition of Writ of Habeas Corpus." However, because of the format Petitioner has chosen and the confusing nature of his allegations, the Court cannot decipher Petitioner's claims in a way that allows the Court to properly review his petition. For instance, it is unclear in what facility Petitioner is being held prisoner, who is his custodian, whether Petitioner has exhausted his claims, and upon what dates his conviction became final and any appeals were decided.

IT IS THEREFORE ORDERED that the Court Clerk mail to Petitioner a packet with forms and instructions for filing a habeas corpus petition. Petitioner shall complete a form petition in an organized, concise fashion and return to the Court

within thirty days. In it, Petitioner must clarify the details to which the Court referred above. If he does not follow these directions, Petitioner risks dismissal of this case.

DATED this 9th day of September, 2008.

BY THE COURT:

A handwritten signature in black ink, reading "Paul M. Warner". The signature is written in a cursive style with a large, looping initial "P".

PAUL M. WARNER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2008 SEP -9 A 9:20

TRANSPORTATION INSURANCE)
COMPANY, et al.,)
)
Plaintiff(s),)
vs.)
)
WOLPER CONSTRUCTION,)
)
Defendant(s).)

DISTRICT OF UTAH
Civil No. 2:08-CV-0441 BSJ
BY DEPUTY CLERK


ORDER

The above matter is hereby ordered to be administratively closed with the proviso
that the same may be reopened upon appropriate application by either party.

SO ORDERED.

DATED this 9th day of September, 2008.

BY THE COURT:


BRUCE S. JENKINS
United States Senior District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DAVID CHAVEZ,)	
)	
Plaintiff,	)	Case No. 2:08-CV-502 TC
)	
v.	)	District Judge Tena Campbell
)	
DR. RICHARD GARDEN et al.,	)	ORDER TO SHOW CAUSE
)	
Defendants.	)	Magistrate Judge Paul Warner

In this prisoner civil rights case,¹ on June 30, 2008, the Court ordered Plaintiff to within thirty days pay an initial partial filing fee (IPFF) of \$8.93. Plaintiff still has not paid it.

IT IS THEREFORE ORDERED that Plaintiff must within thirty days show cause why his case should not be dismissed for failure to pay his IPFF.

DATED this 9th day of September, 2008.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

¹See 42 U.S.C.S. § 1983 (2008).

BRETT L. TOLMAN, United States Attorney (#8821)
JEANNETTE F. SWENT, Assistant United States Attorney (#6043)
Attorneys for United States of America
185 South State Street, Suite 300
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
Facsimile: (801) 325-3261

FILED
U.S. DISTRICT COURT

2008 SEP -9 A 9 20

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH - CENTRAL DIVISION

JANE FERGUSON,)	
	)	Civil No. 2:08-CV-00539-DS
Plaintiff,)	
)	
vs.	)	ORDER OF DISMISSAL AS TO
	)	THE DEPARTMENT OF VETERAN
PRI-MED HEALTHCARE, INC., a	)	AFFAIRS
Utah corporation, and DEPARTMENT)	
OF VETERAN AFFAIRS, a public)	
agency,)	
)	
Defendants.)	

Based on the Stipulation of Dismissal signed by all parties who have appeared in this case, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and for good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Complaint is dismissed with prejudice as to Defendant Department of Veteran Affairs, with all parties to bear their own costs.

DATED this 9th day of September, 2008.

BY THE COURT:

David Sam
DAVID SAM
United States District Court

APPROVED AS TO FORM:

Leslie G. Schaar
LESLIE G. SCHAAR
BRUCE CLOTWORTHY
HOOLE & KING, L.C.
Attorneys for Plaintiff Jane Ferguson

DATE: 9/2/08

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

EDGAR TIEDEMANN,)	
)	
Plaintiff,	)	Case No. 2:08-CV-546 JTG
)	
v.	)	District Judge Thomas Greene
)	
LANGDON FISHER,	)	O R D E R
)	
Defendant.	)	Magistrate Judge Paul Warner

Plaintiff, Edgar Tiedemann, filed a *pro se* prisoner civil rights complaint.¹ The Court has already granted Plaintiff's request to proceed without prepaying the entire filing fee.

Even so, Plaintiff must eventually pay the full \$350.00 filing fee required.² Typically, a plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his inmate] account . . . or . . . the average monthly balance in [his inmate] account for the 6-month period immediately preceding the filing of the complaint."³ However, Plaintiff's inmate account records show he has no money; the Court thus waives his initial partial filing fee.

Plaintiff must also complete the attached "Consent to Collection of Fees" form and submit the original to the inmate

¹See 42 U.S.C.S. § 1983 (2008).

²See 28 *id.* § 1915(b)(1).

³*Id.*

funds accounting office and a copy to the Court within thirty days so the Court may collect the entire filing fee Plaintiff owes. Plaintiff is also notified that, pursuant to Plaintiff's consent form submitted to this Court, Plaintiff's correctional facility will make monthly payments from Plaintiff's inmate account of twenty percent of each month's income.

IT IS THEREFORE ORDERED that:

(1) Although the Court has already granted Plaintiff's application to proceed *in forma pauperis*, Plaintiff must still eventually pay \$350.00, the full amount of the filing fee.

(2) Because Plaintiff currently has no funds in his inmate account, the Court waives an initial partial filing fee.

(3) Plaintiff must make monthly payments of twenty percent of each month's income credited to Plaintiff's account.

(4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office at Plaintiff's correctional facility.

(5) Plaintiff shall complete the consent to collection of fees and submit it to the inmate funds accounting office at

Plaintiff's correctional facility and also submit a copy of the signed consent to this Court within thirty days from the date of this Order, or the complaint will be dismissed.

DATED this 9th day of September, 2008.

BY THE COURT:

A handwritten signature in black ink, reading "Paul M. Warner", is written over a light blue rectangular background. The signature is fluid and cursive.

PAUL M. WARNER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Edgar Tiedemann (Case No. 2:08-CV-546-JTG), understand that even when the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is dismissed.

I therefore consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Edgar Tiedemann

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
2008 SEP 11 AM 12:32

CENTRAL DIVISION

DISTRICT OF UTAH

BY: DEPUTY CLERK

GREGORY SHANE WAREHAM,

Plaintiff,

vs.

LYLE ANDERSON,

Defendant.

ORDER OF REFERENCE

Civil No. 2:08-CV-617

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(B) and the rules of this Court, the above entitled case is referred to Magistrate Judge Warner. The magistrate judge is directed to manage the case, receive all motions, hear oral arguments, conduct evidentiary hearings as deemed appropriate, and to submit to the undersigned judge a report and recommendation for the proper resolution of dispositive matters presented.

DATED this 9th day of September, 2008.

BY THE COURT:

J. Thomas Greene
J. THOMAS GREENE

United States District Judge

**In the United States District Court
for the District of Utah, Central Division**

FILED
U.S. DISTRICT COURT

2008 SEP -9 A 9:20

STANLEY L. WADE,

Plaintiff,

vs.

RANDALL T. GAITHER,

Defendant.

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK


ORDER OF RECUSAL

Case No. 2:08-CV-641

I recuse myself in this case, and ask that the appropriate assignment card equalization be drawn by the clerk's office.

DATED this 9th day of September, 2008

BY THE COURT:


J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE

Case: 2:08cv00641
Assigned To : Benson, Dee
Assign. Date : 9/9/2008
Description: Wade v. Gaither

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DAVID,

Plaintiff,

vs.

UTAH STATE PRISON,

Defendant.

ORDER OF REFERENCE

Civil No. 2:08-CV-662

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(B) and the rules of this Court, the above entitled case is referred to Magistrate Judge Brooke Wells. The magistrate judge is directed to manage the case, receive all motions, hear oral arguments, conduct evidentiary hearings as deemed appropriate, and to submit to the undersigned judge a report and recommendation for the proper resolution of dispositive matters presented.

DATED this 9th day of September, 2008.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive, flowing style.

DEE BENSON
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

CRAIG KENT GORDON,
Plaintiff,
v.

Case: 2:08cv00681
Assigned To : Sam, David
Assign. Date : 9/9/2008
Description: Gordon v State of Utah,
et al

2008 SEP -9 A 7:54

DISTRICT OF UTAH

BY: C
DEPUTY CLERK

STATE OF UTAH et al.,
Defendants.

O R D E R

Plaintiff, Craig Kent Gordon, an inmate at Purgatory Correctional Facility, has submitted a *pro se* civil rights complaint.¹ The filing fee is \$350.² However, Plaintiff asserts he is unable to prepay it. He thus applies to proceed without prepaying the filing fee and submits a supporting affidavit.³ Plaintiff also moves for appointed counsel.

First, the Court grants Plaintiff's application to proceed without prepaying the filing fee. Even so, Plaintiff must eventually pay the full \$350.00 fee required.⁴ A plaintiff must typically start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his inmate] account . . . or . . . the average monthly balance in [his inmate] account for the 6-month period immediately

¹See 42 U.S.C.S. § 1983 (2008).

²See 28 *id.* § 1914(a).

³See *id.* § 1915(a).

⁴See *id.* § 1915(b)(1).

preceding the filing of the complaint."⁵ However, Plaintiff's inmate account records show he has no money; the Court thus waives his initial partial filing fee.

Plaintiff must still complete the attached "Consent to Collection of Fees" form and submit the original to the inmate funds accounting office and a copy to the Court within thirty days so the Court may eventually collect the entire filing fee Plaintiff owes. Plaintiff is notified that pursuant to Plaintiff's consent form submitted to this Court, Plaintiff's correctional institution will make monthly payments from Plaintiff's inmate account of twenty percent of the preceding month's income credited to Plaintiff's account.

The Court next considers Plaintiff's motion for appointed counsel. Plaintiff has no constitutional right to counsel.⁶ However, the Court may in its discretion appoint counsel for indigent inmates.⁷ "The burden is upon the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel."⁸

⁵*Id.*

⁶*See Carper v. Deland*, 54 F.3d 613, 616 (10th Cir. 1995); *Bee v. Utah State Prison*, 823 F.2d 397, 399 (10th Cir. 1987).

⁷*See* 28 U.S.C.S. § 1915(e)(1) (2008); *Carper*, 54 F.3d at 617; *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991).

⁸*McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985).

When deciding whether to appoint counsel, the district court should consider a variety of factors, "including 'the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.'"⁹

Considering the above factors, the Court concludes here that (1) it is not clear at this point that Plaintiff has asserted a colorable claim; (2) the issues in this case are not complex; and (3) Plaintiff is not necessarily unable to adequately function in pursuing this matter. Thus, the Court denies for now Plaintiff's motion for appointed counsel.

IT IS THEREFORE ORDERED that:

(1) Plaintiff may proceed without prepaying his filing fee and without paying an initial partial filing fee.

(2) Plaintiff must still eventually pay \$350.00, the full amount of the filing fee.

(3) Plaintiff must make monthly payments of twenty percent of the preceding month's income credited to Plaintiff's account.

(4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office or other appropriate office at his correctional facility.

⁹*Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams*, 926 F.2d at 996); accord *McCarthy*, 753 F.2d at 838-39).

(5) Plaintiff shall complete the consent to collection of fees and submit it to the inmate funds accounting office at his correctional facility and also submit a copy of the signed consent to this Court within thirty days from the date of this Order or the complaint will be dismissed.

(6) Plaintiff's request for appointed counsel is denied; however, if, after the case is screened, it appears that counsel may be needed or of specific help, the Court may ask an attorney to appear pro bono on Plaintiff's behalf.

DATED this 9th day of September, 2008.

BY THE COURT:



DAVID NUFFER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Craig Kent Gordon, understand that when the Court grants my application to proceed *in forma pauperis* and files my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is dismissed.

I therefore consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 350 South Main, #150, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Craig Kent Gordon

In the United States District Court
for the District of Utah, Central Division

FILED
U.S. DISTRICT COURT
2008 SEP -9 A 9:20

In re:

GENEVA STEEL, LLC; GENEVA STEEL
HOLDINGS CORP.; IRON ORE MINES,
LLC; AND WILLIAMS FARM, LLC,

Debtors.

JAMES T. MARKUS, Chapter 11 Trustee of
GENEVA STEEL, LLC, GENEVA STEEL
HOLDINGS CORP., IRON ORE MINES,
LLC, AND WILLIAMS FARM, LLC,

Plaintiff,

vs.

ALBERT FRIED, JR., ALBERT FRIED &
CO., LLC, a New York limited liability
company, and STEELMAN, INC., a
Delaware corporation,

Appellants.

DISTRICT OF UTAH

BY:
DEPUTY CLERK

ORDER OF RECUSAL

Case No. 2:08-MC-454

I recuse myself in this case, and ask that the appropriate assignment card equalization be
drawn by the clerk's office.

DATED this 9th day of September, 2008

BY THE COURT:

J. Thomas Greene
J. THOMAS GREENE

UNITED STATES DISTRICT JUDGE

Case: 2:08mc00454
Assigned To : Campbell, Tena
Assign. Date : 9/9/2008
Description: Fried et al v. Markus